

COUNTY OF SUFFOLK



FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.

★ **APR 24 2018** ★

SUFFOLK COUNTY CLERK'S OFFICE LONG ISLAND OFFICE

JUDITH A. PASCALE
SUFFOLK COUNTY CLERK
WWW.SUFFOLKCOUNTYNY.GOV
Court Actions
631-852-2000 ext. 852

Date: 4/20/18

To whom it may concern:

Please find a Certified Copy of our Clerk's Minutes for the E-filed Supreme Court case, Index # 604642/18, along with a copy of the Notice of Removal.

Since the above mentioned case is E-filed, there are no hard copies of the documents.

If you have any questions, please call the number at the top of this page.

Thank you,

Court Actions

18cv1995 (ADS) (AUS)



NYSCEF

Suffolk County Supreme Court

Document List

Index # 604642/2018

Created on:04/20/2018 02:37 PM

Case Caption: **MICHAEL NOCELLA et al - v. - ALLSTATE INSURANCE COMPANY**Judge Name: **Jerry Garguilo**

Doc#	Document Type/Information	Status	Date Received	Filed By
1	SUMMONS + COMPLAINT	Processed	03/10/2018	Delluniversita, A.
2	RJI -RE: OTHER temporary restraining order	Processed	03/10/2018	Delluniversita, A.
3	ADDENDUM - COMMERCIAL DIVISION (840C)	Processed	03/10/2018	Delluniversita, A.
4	NOTICE NOTICE OF ASSIGNMENT TO THE COMMERCIAL DIVISION	Processed	03/12/2018	Court User
5	ORDER TO SHOW CAUSE - ACCOMPANYING COMMENCEMENT DOC(S) (PROPOSED)	Processed	03/14/2018	Delluniversita, A.
6	AFFIDAVIT OR AFFIRMATION IN SUPPORT OF PROPOSED OSC/EXPARTE APP emergency affirmation	Processed	03/14/2018	Delluniversita, A.
7	AFFIDAVIT OR AFFIRMATION IN SUPPORT OF PROPOSED OSC/EXPARTE APP plaintiff's affidavit	Processed	03/14/2018	Delluniversita, A.
8	AFFIDAVIT OR AFFIRMATION IN SUPPORT OF PROPOSED OSC/EXPARTE APP affidavit insupprot	Processed	03/14/2018	Delluniversita, A.
9	AFFIDAVIT OR AFFIRMATION IN SUPPORT OF PROPOSED OSC/EXPARTE APP affirmation of Anthony P Delluniversita	Processed	03/14/2018	Delluniversita, A.
10	EXHIBIT(S) SUMMONS AND VERIFIED COMPLINT	Processed	03/14/2018	Delluniversita, A.
11	EXHIBIT(S) SALES AGREEMETN	Processed	03/14/2018	Delluniversita, A.
12	EXHIBIT(S) EXCLUSIVE AGENT AGREEMETN	Processed	03/14/2018	Delluniversita, A.
13	EXHIBIT(S) BUSINESS METRIC REPORT	Processed	03/14/2018	Delluniversita, A.
14	EXHIBIT(S) TOP SALES PRODUCER REPORT	Processed	03/14/2018	Delluniversita, A.
15	EXHIBIT(S) TOP SALEPERSON HONOR	Processed	03/14/2018	Delluniversita, A.
16	EXHIBIT(S) BEST IN COMPANY PRINTOUT	Processed	03/14/2018	Delluniversita, A.
17	EXHIBIT(S) TERMINATIN LETTER	Processed	03/14/2018	Delluniversita, A.
18	EXHIBIT(S) EXCERTPS FROM AGENCY MANUAL	Processed	03/14/2018	Delluniversita, A.
19	EXHIBIT(S) LETTER TO COUNSEL	Processed	03/14/2018	Delluniversita, A.
20	EXHIBIT(S) COMPANY PRINTOUT	Processed	03/14/2018	Delluniversita, A.
21	EXHIBIT(S) ZIP CODE EMAIL	Processed	03/14/2018	Delluniversita, A.

Doc#	Document Type/Information	Status	Date Received	Filed By
22	EXHIBIT(S) TRANSCRIPT OF GUIGLIANO INTERVIEW	Processed	03/14/2018	Dellunivista, A.
23	EXHIBIT(S) NOCELLA APPOINTMENT TERMINATION	Processed	03/14/2018	Dellunivista, A.
24	EXHIBIT(S) NOCELLA APPT TERMINATION	Processed	03/14/2018	Dellunivista, A.
25	EXHIBIT(S) TERMINATION PAYOUT SHEET	Processed	03/14/2018	Dellunivista, A.
26	EXHIBIT(S) WEB SEARCH	Processed	03/14/2018	Dellunivista, A.
27	EXHIBIT(S) GUIGLIANO TERMINATION	Processed	03/14/2018	Dellunivista, A.
28	EXHIBIT(S) WEBSITE	Processed	03/14/2018	Dellunivista, A.
29	EXHIBIT(S) TERMINATION LETTER	Processed	03/14/2018	Dellunivista, A.
30	EXHIBIT(S) AWARD LETTER GUIGLIANO	Processed	03/14/2018	Dellunivista, A.
31	EXHIBIT(S) TRANSCRIPT	Processed	03/14/2018	Dellunivista, A.
32	EXHIBIT(S) TRANSCRIPT	Processed	03/14/2018	Dellunivista, A.
33	AFFIDAVIT in Opposition	Processed	03/14/2018	Grohs, M.
34	EXHIBIT(S) Agency Agreement	Processed	03/14/2018	Grohs, M.
35	EXHIBIT(S) Termination Letter	Processed	03/14/2018	Grohs, M.
36	AFFIDAVIT OR AFFIRMATION IN SUPPORT OF PROPOSED OSC/EXPARTE APP	Processed	03/15/2018	Dellunivista, A.
37	EXHIBIT(S) supplemental affidavit listing for book of business	Processed	03/15/2018	Dellunivista, A.
38	AFFIDAVIT OR AFFIRMATION IN SUPPORT OF PROPOSED OSC/EXPARTE APP	Processed	03/15/2018	Dellunivista, A.
39	ORDER TO SHOW CAUSE-SIGNED	Processed	03/15/2018	Court User
40	NOTICE OF MOTION to Modify the Temporary Restraining Order pursuant to CPLR 6314	Processed	03/19/2018	Grohs, M.
41	MEMORANDUM OF LAW IN SUPPORT	Processed	03/19/2018	Grohs, M.
42	AFFIDAVIT OR AFFIRMATION IN SUPPORT OF MOTION	Processed	03/19/2018	Grohs, M.
43	EXHIBIT(S) Order to Show Cause Request for a Temporary Restraining Order dated March 15, 2018	Processed	03/19/2018	Grohs, M.



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Doc#	Document Type/Information	Status	Date Received	Filed By
44	EXHIBIT(S) Affidavit of Lucia Montano	Processed	03/19/2018	Grohs, M.
45	EXHIBIT(S) Email from Allstate TSL Ankur Chaturvedi	Processed	03/19/2018	Grohs, M.
46	EXHIBIT(S) Allstate Letter to NY Dept of Insurance re M. Nocella	Processed	03/19/2018	Grohs, M.
47	EXHIBIT(S) Allstate Letter to NY Dept of Insurance re C. Giugliano	Processed	03/19/2018	Grohs, M.
48	EXHIBIT(S) NYDFS Licensee Detail re M. Nocella	Processed	03/19/2018	Grohs, M.
49	EXHIBIT(S) NYDFS Licensee Detail re C. Giugliano	Processed	03/19/2018	Grohs, M.
50	ORDER (PROPOSED)	Processed	03/19/2018	Grohs, M.
51	LETTER / CORRESPONDENCE TO JUDGE	Processed	03/26/2018	Delluniversita, A.
52	AFFIDAVIT OR AFFIRMATION IN OPPOSITION TO MOTION	Processed	03/27/2018	Delluniversita, A.
53	MEMORANDUM OF LAW IN OPPOSITION	Processed	03/27/2018	Delluniversita, A.
54	EXHIBIT(S) NOCELLA AFFIDAVIT	Processed	03/27/2018	Delluniversita, A.
55	EXHIBIT(S) BACH AFFIDAVIT	Processed	03/27/2018	Delluniversita, A.
56	EXHIBIT(S) FORM U-5	Processed	03/27/2018	Delluniversita, A.
57	EXHIBIT(S) EMAIL NOTICE	Processed	03/27/2018	Delluniversita, A.
58	EXHIBIT(S) WEB CONFERENCE NOTICE	Processed	03/27/2018	Delluniversita, A.
59	EXHIBIT(S) TRANSCRIPT OF INVESTIGATION	Processed	03/27/2018	Delluniversita, A.
60	EXHIBIT(S) TRANSCRIPT OF CHARTUVEDI	Processed	03/27/2018	Delluniversita, A.
61	EXHIBIT(S) RISK MANAGEMENT	Processed	03/27/2018	Delluniversita, A.
62	MEMORANDUM OF LAW IN OPPOSITION	Processed	03/28/2018	Delluniversita, A.
63	EXHIBIT(S) nocella affidavit updated	Processed	03/28/2018	Delluniversita, A.
64	MEMORANDUM OF LAW IN REPLY re Motion to Modify the Temporary Restraining Order pursuant to CPLR 6314	Processed	03/28/2018	Grohs, M.
65	ORDER - OTHER ORDER MODIFYING THE TEMPORARY RESTRAINING ORDER ENTERED ON MARCH 15, 2018 AS MOTION SEQ. #002 NOW RE(..)	Processed	03/29/2018	Court User



COUNTY CLERK'S OFFICE
STATE OF NEW YORK
COUNTY OF SUFFOLK

I, JUDITH A. PASCALE, Clerk of the County of Suffolk and the Court
of Record thereof do hereby certify that I have compared the annexed with the original
CLERKS MINUTES (NYSCEF)
filed in my office on **04/20/2018**
and, that the same is a true copy thereof, and of the whole of such original.

In Testimony Whereof, I have hereunto set my hand and affixed the seal of said County
and Court this **4/20/2018**.

SUFFOLK COUNTY CLERK

Judith A. Pascale

JUDITH A. PASCALE





NYSCEF

Suffolk County Supreme Court

Document List

Index # 604642/2018

Created on:04/20/2018 02:37 PM

Doc#	Document Type/Information	Status	Date Received	Filed By
66	NOTICE OF REMOVAL / REMAND (POST RJI) Notice of Filing of Notice of Removal with Certification of Service and Filing	Processed	04/03/2018	Grohs, M.
67	EXHIBIT(S) Copy of Filed Notice of Removal	Processed	04/03/2018	Grohs, M.



SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF SUFFOLK

-----X
MICHAEL NOCELLA and THE NOCELLA
INSURANCE AGENCY,

Index No. 604642/2018

Plaintiffs,

(Garguilo, J.)

v.

**NOTICE OF FILING
OF NOTICE OF REMOVAL**

ALLSTATE INSURANCE COMPANY,

Document Electronically Filed

Defendant.

-----X
PLEASE TAKE NOTICE that, pursuant to 28 U.S.C. §§ 1332, 1441 and 1446, defendant Allstate Insurance Company ("Allstate"), by and through its undersigned attorneys, Saiber LLC, has filed a Notice of Removal of the above-captioned action in the United States District Court for the Eastern District of New York. Pursuant to 28 U.S.C. §1446(d), a copy of the filed Notice of Removal is attached hereto as Exhibit 1, and Allstate is herewith providing notice to Anthony P. DellUniversita, Esq., attorney for plaintiffs Michael Nocella and The Nocella Agency ("Plaintiffs"), of the filing of this Notice of Filing of Notice of Removal.

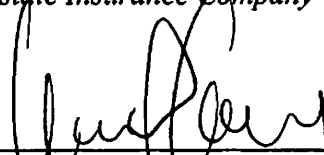
Pursuant to 28 U.S.C. § 1446(d), the filing of the Notice of Removal in the United States District Court for the Eastern District of New York, together with the notice to Plaintiffs' attorney and the filing of a copy of the Notice of Removal with this Court, effects the removal of this action and this Court may proceed no further unless and until the action is remanded.

Respectfully submitted,

SAIBER LLC

Attorneys for Defendant

Allstate Insurance Company



Michael J. Grohs (MGrohs@saiber.com)

SAIBER LLC

18 Columbia Turnpike, Suite 200

Florham Park, New Jersey 07932

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-and-

270 Madison Avenue, Suite 1400

New York, New York 10016-0603

Tel. (646) 532-4646

Fax (212) 684-7995

Dated: April 3, 2018

TO: Michael Scardino, Chief Clerk of the Court
Suffolk County Supreme Court
Supreme Court Building
1 Court Street
Riverhead, New York 11901

Hon. Jerry Garguilo, J.S.C.
New York Supreme Court – Suffolk County
Commercial Division Part 48
John P. Cohalan, Jr., Courthouse (Courtroom S-33)
400 Carleton Avenue
Central Islip, New York 11722

Anthony P. DellUniversita, Esq.
Law Offices of Michael J. Alber, Esq.
5036 Jericho Turnpike, Suite 305
Commack, New York 11725
*Attorney for Plaintiffs, Michael Nocella and
The Nocella Agency*

CERTIFICATION OF SERVICE AND FILING

I hereby certify that on this date I caused the within Notice of Filing of Notice of Removal with Exhibit 1 to be served, by NYSCEF and a copy by Federal Express, on the following:

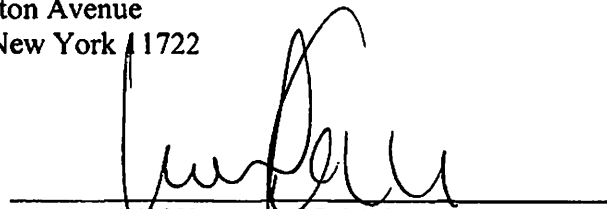
Anthony P. DellUniversita, Esq.
Law Offices of Michael J. Alber, Esq.
5036 Jericho Turnpike, Suite 305
Commack, New York 11725
*Attorneys for Plaintiffs, Michael Nocella and
The Nocella Agency*

I also hereby certify that on this date I caused the within Notice of Filing of Notice of Removal with Exhibit 1 to be filed via NYSCEF, and copies delivered by Federal Express, to the following:

Michael Scardino, Chief Clerk of the Court
Suffolk County Supreme Court
Supreme Court Building
1 Court Street
Riverhead, New York 11901

- and -

Hon. Jerry Garguilo, J.S.C.
New York Supreme Court – Suffolk County
Commercial Division Part 48
John P. Cohalan, Jr., Courthouse (Courtroom S-33)
400 Carleton Avenue
Central Islip, New York 11722



MICHAEL J. GROHS

Dated: April 3, 2018